## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| MONSANTO COMPANY and                       | )                    |
|--|----------------------|
| MONSANTO TECHNOLOGY LLC,                   | )                    |
| Plaintiffs,                                | )                    |
| v.   | ) No. 4:06CV1476 TIA |
| PILOT GROVE COOPERATIVE<br>ELEVATOR, INC., | )<br>)<br>)          |
| Defendant.                                 | )                    |

## MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Amend its Answer and Motion to Compel. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On January 17, 2008, Defendant filed the present Motion to Amend its Answer, claiming that Plaintiffs' production of 20 settlement agreements warranted amendment of the answer to include the affirmative defense of set-off. After the parties fully briefed the motion, the undersigned held a hearing on March 31, 2008. Upon review of the pleadings and consideration of the oral arguments, the undersigned finds that good cause exists to grant Defendant leave to file an amended answer.

In this case, Defendant did not receive answers to its discovery requests regarding settlements with customers until after the deadline for amending pleadings.<sup>1</sup> Further, Defendant promptly filed the motion after the Plaintiffs withdrew its motion to file an amended complaint. If the Court had granted Plaintiffs' motion, Defendant would have been able to file an amended answer as of right. However, the withdrawal of that motion necessitated Defendant's current motion. Therefore, the

<sup>&</sup>lt;sup>1</sup> While Plaintiffs argue that the Defendant had received one settlement agreement prior to the deadline, the undersigned finds that the cumulative settlement agreements demonstrated the necessity to amend the answer to include set-off.

Court will grant Defendant's Motion to Amend its Answer.

Defendant has also filed a motion to compel, seeking answers to its contention interrogatories,

Interrogatories Nos. 1-6 and No. 11, contained in its First Set of Interrogatories Directed to

Monsanto Company. Plaintiffs objected to these interrogatories as overly broad and unduly

burdensome. During the March 31, 2008 hearing, counsel for Plaintiffs conceded that Defendant is

entitled to such information but stressed that the request for long, factual summaries supporting each

contention was burdensome.

The undersigned finds that, while Plaintiffs should provide answers to such contention

interrogatories, they should not be required to provide an unlimited narrative account of its case.

Therefore, the Court will grant Defendant's motion, in part, and direct Plaintiffs to provide a list of

witnesses possessing relevant information; a list of relevant documents and sections thereof; and a

brief summary of information pertinent to each interrogatory. Plaintiffs shall submit such answers

to the Defendant within twenty (20) days of the date of this Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Amend its Answer [Doc. #65] is

GRANTED.

IT IS FURTHER ORDERED that Defendant's Motion to Compel [Doc. #68] is

**GRANTED**, in part, consistent with this Memorandum and Order.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of April, 2008.

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